

IN RE: PETITION FOR ZONING VARIANCE  
N/S Chesapeake Avenue, 1000'  
W of Heintzwater Road  
(7603 Chesapeake Avenue)  
15th Election District  
7th Councilmanic District  
James R. Hartman, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 93-191-A  
\*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, James R. and Josephine Hartman. The Petitioners request relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two accessory structures (sheds) to be located in the side yard in lieu of the required rear yard, 2.5 feet from the side and rear property lines, as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were James and Josephine Hartman, property owners. Appearing as a Protester in the matter was Randy Sanders on behalf of the adjoining property owner, Louis Koehler.

Testimony indicated that the subject property, known as 7603 Chesapeake Avenue, consists of 0.2557 acres, zoned D.R. 5.5 and is located within the Chesapeake Bay Critical Areas on Back River. Said property consists of four 40-foot wide lots, known as Lots 7, 8, 11 and 12 of the subdivision known as Triple Union Annex, of which Lots 7 and 8 are located on the water and Lots 11 and 12 are located across from Lots 7 and 8 on Chesapeake Avenue. Lot 7 is improved with a single family dwelling and Lot 8 is improved with the two accessory sheds which are the subject of this case. The Petitioners filed the instant Petition as a result of a complaint filed by the adjoining property owner, Louis Koehler, who resides

on Lot 6, as to the location of the two sheds on Lot 7. The Petitioners testified that the two sheds were placed in the side yard due to a flooding problem which exists in the rear yard of their property. In support of their request, the Petitioners introduced photographs evidencing a water runoff problem in the rear of this site. The Petitioners testified that the two sheds were necessary to store lawn and garden tools as well as boating supplies and equipment. Testimony indicated that practical difficulty and unreasonable hardship would result if strict compliance with the zoning regulations were required.

On behalf of the adjoining property owner, Mr. Sanders submitted a letter from Mr. Koehler in which he stated that the two sheds block the view from his property as well as air and light. Mr. Koehler stated that in his opinion, the sheds should be located across the street from the subject site on Lot 11 or 12. Subsequent to the hearing, Mr. Koehler submitted photographs which show the view from his property and surrounding conditions.

As previously stated, this property is located within the Chesapeake Bay Critical Areas, and as such, is subject to compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) as to Critical Areas legislation. In accordance with correspondence received from J. James Dieter, Director of DEPRM, dated January 25, 1993, the two sheds in question were erected prior to the enactment of the Critical Areas legislation and are therefore, grandfathered. Furthermore, the relief to be granted does not propose any development activities. For these reasons, the two sheds may remain and are not subject to the Chesapeake Bay Critical Areas legislation.

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An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In addition to demonstrating that a denial of the Petition would result in practical difficulty, the Petitioner must show that the relief can be granted without detriment to the surrounding locale. Specifically, Section 307.1 of the B.C.Z.R. requires that the Petitioner show that the relief requested, if granted, will not cause injury to the public health, safety and general welfare.

After due consideration of the testimony and evidence presented, I am persuaded that the Petition should be denied. That is, the sheds should not be allowed to remain at their present location. In my view, the current placement of the sheds adversely affects the neighboring property owned by Mr. Koehler. However, notwithstanding my decision to deny the variance requested, I believe the Petitioners would suffer practical difficulty if strict compliance with the zoning regulations were required. Therefore, I will approve a modification of the requested variance and

- 3 -

permit the Petitioners to keep the two sheds. However, the Petitioners will be required to move the two sheds from their present location to a point where both sheds will be located behind the front building elevation line of the dwelling on Lot 6. That is, the two sheds are permitted to remain in the side yard on Lot 7, but they must be moved so that both sheds are no longer visible from the front door of Mr. Koehler's dwelling. As a condition of the granting of this relief, the Petitioners shall be required to submit a revised site plan showing the relocation site of the two sheds within thirty (30) days of the date of this Order.

Further, it is to be noted that the photographs submitted by both sides in this case revealed that both the Petitioners and the Protester have a considerable amount of junk and debris on their respective properties. These conditions may constitute a zoning violation and by copy of this Order to the Zoning Administration and Development Management Office, I will request that the Zoning Enforcement Division conduct an inspection of the two properties to determine whether a violation exists. As a condition to the relief to be granted upon receipt of a revised site plan, I will require that the Petitioners arrange to have their property cleared of all junk and debris to the satisfaction of the Zoning Inspector assigned to this case within ninety (90) days of the date of this Order. Failure to do so will result in the relief granted herein to be forfeited.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested shall be denied and a modified variance granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of March, 1993 that the Petition for Zoning Variance requesting relief from Section 400.1 of the Baltimore County

- 4 -

Zoning Regulations (B.C.Z.R.) to permit two existing accessory structures (sheds) to be located in the side yard in lieu of the required rear yard, 2.5 feet from the side and rear property lines, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and

IT IS FURTHER ORDERED that the two existing sheds are permitted to remain in the side yard on Lot 7 of the subject property provided they are relocated to a point where both sheds are situated behind the front building elevation line of the dwelling on Lot 6, and as such, the Petition for Zoning Variance, as modified herein, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within thirty (30) days of the date of this Order, the Petitioners shall submit a revised site plan which shows the relocation site of the two sheds in question for review and approval.
- 3) The Petitioners shall have until May 1, 1993 to relocate the two sheds in accordance with the revised site plan which has been approved by this office.
- 4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

March 18, 1993

(410) 887-4386

Mr. & Mrs. James R. Hartman  
7603 Chesapeake Avenue  
Baltimore, Maryland 21219

RE: PETITION FOR ZONING VARIANCE  
N/S Chesapeake Avenue, 1000' N of Heintzwater Road  
(7603 Chesapeake Avenue)  
15th Election District - 7th Councilmanic District  
James R. Hartman, et ux - Petitioners  
Case No. 93-191

Dear Mr. & Mrs. Hartman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance, as modified, has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Louis Koehler  
7607 Chesapeake Avenue, Baltimore, Md. 21219

Chesapeake Bay Critical Areas Commission  
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM

People's Counsel; File



## Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7603 CHESAPEAKE AVE, BALTIMORE, MD 21219  
which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 of the B.C.Z.R. to permit ACCESSORY STRUCTURES (SHEDS) TO BE LOCATED IN THE SIDE YARD INSTEAD OF THE STANDARD REAR YARD, 2.5 FEET FROM THE SIDE AND REAR PROPERTY LINES.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) PRACTICAL DIFFICULTY AND HARDSHIP:  
(i) STRICT COMPLIANCE WITH REQUIREMENT WOULD PREVENT USE OF SHEDS DUE TO FLOODING OF ENTIRE SECTION OF THE PROPERTY DURING HIGH TIDE. SEE ATTACHED PHOTOGRAPHS.  
(ii) TO MOVE THE SHEDS WOULD CAUSE HARDSHIP TO ELDERLY OWNERS. MALE HAS HISTORY OF MYOCHORDIAL INFARCTION AND WIFE HAS HISTORY OF HYPERTENSION.  
(iii) NO PUBLIC OR SAFETY CONCERNS WITH SHEDS BEING LOCATED IN FRONT YARD.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zip Code

Who do you authorize to execute and file, under the provisions of parties, that they are the legal owner(s) of the property which is the subject of this Petition?

Legal Owner:

JAMES R. HARTMAN

(Type or Print Name)

JOSEPHINE HARTMAN

(Type or Print Name)

JAMES R. HARTMAN

(Type or Print Name)

7603 CHESAPEAKE AVE

Address

BALTIMORE MD 21219

City, Address and phone number of legal owner, contract purchaser or representative to be contacted.

SAME AS ABOVE

Address

City

State

Zip Code

ESTIMATED LENGTH OF HEARING

Approximate for Hearing

On the following date

ALL OTHER

REVIEWED BY: LES DATE: 4/1/93

## THE DESCRIPTION

- 3 copies required

Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 7603 CHESAPEAKE AVE BALTIMORE, MD  
(Address)  
Beginning at a point on the WATER side of CHESAPEAKE AVENUE (north, south, east or west) (name of street on which property fronts) which is 30 FEET (number of feet of right-of-way width) wide at the distance of 1000 (number of feet) (north, south, east or west) of the centerline of the nearest improved intersecting street (name of street) which is HEINTZWATER ROAD (number of feet of right-of-way width) wide. "Being Lot 7 (number of lot) Block 1 Section 8 in the subdivision of TRIPLE UNION ANNEX (name of subdivision) as recorded in Baltimore County Plat Book 1110 Folio 229 containing 11140 SQ. FT. OR 0.2557 AC. (number of total square feet or acres in lot) Also known as 7603 CHESAPEAKE AVENUE and located in the 1 Election District. (property address)

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown. Instead state: "As recorded in Deed Liber 1, Folio 1" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N. 87° 12' 13" E. 321.1 ft., S. 18° 21' 03" E. 87.2 ft., S. 62° 19' 00" W. 318 ft., and N. 00° 15' 22" E. 8.80 ft. to the place of beginning.

7

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 1274 Date of Posting: 12/15/92  
Posted for: Variance  
Petitioner: James R. Hartman  
Location of property: 111 West Chesapeake Ave., 1000' W of Heintzner Road  
Location of Sign: Along road way on property of R.T. Town  
Remarks:  
Posted by: Arnold J. Jahn Date of return: 12/15/92  
Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 12/31, 19 92  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/31, 19 92

THE JEFFERSONIAN,

3 Zehn O. Jahn  
Publisher

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 130378  
DATE: 12/15/92 ACCOUNT: R-001-6150  
7603 CHESAPEAKE AVE.  
BALTIMORE, MD. 21219 AMOUNT: \$50.00  
RECEIVED FROM: JAMES HARTMAN  
FOR: VARIANCE PETITION  
DAAD480019MCHRC \$50.00  
VALUATION ON SIGNATURE OF CARRIER

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150

Number

receipt

Date: 12/15/92 H9300204  
PUBLIC HEARING FEES QTY PRICE  
010 -ZONING VARIANCE (IRL) 1 X \$50.00  
TOTAL: \$50.00  
LAST NAME OF OWNER: HARTMAN

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Account: R-001-6150  
Number  
93-191  
DAAD480019MCHRC \$50.00  
VALUATION ON SIGNATURE OF CARRIER  
Please Make Checks Payable To: Baltimore County  
CASHIER VALIDATION

receipt

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 1-6-93

James and Josephine Hartman  
7603 Chesapeake Avenue  
Baltimore, Maryland 21219

RE:  
CASE NUMBER: 93-191-A (Item 206)  
N/S Chesapeake Avenue, 1000' W of Heintzner Road  
7603 Chesapeake Avenue  
15th Election District - 7th Councilmanic  
Petitioner(s): James R. Hartman and Josephine Hartman  
HEARING: FRIDAY, JANUARY 15, 1993 at 9:30 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 74.85 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl Jahn  
ARNOLD JAHN  
DIRECTOR

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Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DEC 21 1992

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-191-A (Item 206)  
N/S Chesapeake Avenue, 1000' W of Heintzner Road  
7603 Chesapeake Avenue  
15th Election District - 7th Councilmanic  
Petitioner(s): James R. Hartman and Josephine Hartman  
HEARING: FRIDAY, JANUARY 15, 1993 at 9:30 a.m. in Rm. 118, Old Courthouse.

Variance to permit accessory structures (sheds) to be located in the side yard instead of the standard rear yard, 2-1/2 ft. from the side and rear property lines.

Carl Jahn  
ARNOLD JAHN  
DIRECTOR

cc: James and Josephine Hartman

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

December 31, 1992

(410) 887-3353

Mr. and Mrs. James R. Hartman  
7603 Chesapeake Avenue  
Baltimore, MD 21219

RE: Case No. 93-191-A, Item No. 206  
Petitioner: James R. Hartman, et ux  
Petition for Variance

Dear Mr. and Mrs. Hartman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 7th day of December 1992.

Carl Jahn  
ARNOLD JAHN  
DIRECTOR

Received By:

W. Carl Richards Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: James R. Hartman, et ux  
Petitioner's Attorney:

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MDA Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassul  
Administrator

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 206 (LEO)  
JAMES R. HARTMAN &  
JOSEPHINE HARTMAN

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Robert A. Small  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
DATE: December 29, 1992

FROM: J. Lawrence Pilson *JLP/1/1/93*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #206  
7603 Chesapeake Drive  
Zoning Advisory Committee Meeting of December 21, 1992

The Department of Environmental Protection and Resource Management requests an extension for the review of the above referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Division of the Department at 887-2904 for details.

LP:sp

CHESAPEA/TXTSBP

93-191-A 1-15-93

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

DECEMBER 28, 1992

(410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JAMES R. HARTMAN AND JOSEPHINE HARTMAN  
Location: #7603 CHESAPEAKE AVENUE  
Item No.: 206 (LEO) Zoning Agenda: DECEMBER 21, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Noted and Approved*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

*Rec'd 1/5/93*

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93-191-A 1/15/93

93-550 *AT-JW*

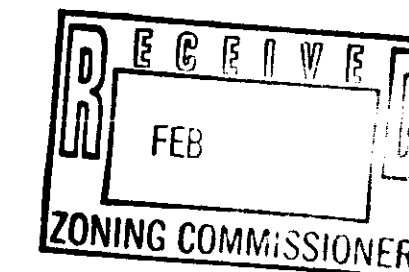
BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director  
Office of Zoning Administration  
and Development Management  
DATE: January 25, 1993

FROM: J. James Dieter  
SUBJECT: Petition for Zoning Variance - Item 206  
Hartman Property  
Chesapeake Bay Critical Area Findings



SITE LOCATION

The subject property is located at 7603 Chesapeake Drive. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. & Mrs. James Hartman

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.1 of the Baltimore County Zoning Regulations to permit "accessory structure (sheds) to be located in side yard instead of the standard rear yard 2.5 feet from the side and rear property lines."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.D>

Mr. Arnold E. Jablon  
January 25, 1993  
Page 2

DEFINITIONS

1. "Development activities" means the construction or substantial alteration of residential, commercial, industrial, institutional, or transportation facilities or structures. <COMAR 14.15.01.01.B.21>.

REGULATIONS AND FINDINGS

1. Regulation: "Grandfathering. After program approval, local jurisdictions shall permit the continuation, but not necessarily the intensification or expansion, of any use in existence on the date of program approval, unless the use has been abandoned for more than one year or is otherwise restricted by existing local ordinances. If any existing use does not conform with the provisions of a local program, its intensification or expansion may be permitted only in accordance with the variance procedures outlined in COMAR 14.15.11" <COMAR 14.15.02.07.A>.

Finding: This variance request does not propose any development activities, as defined above. In addition, the accessory structures, sheds, were in existence and in this same location on June 13, 1988, the date of Baltimore County's local program approval. Therefore, the Chesapeake Bay Critical Area Program shall permit the continued use of these structures.

CONCLUSION

This variance request does not propose any new development, and these structures meet the grandfathering criteria. Therefore, this proposal does comply with Chesapeake Bay Critical Area Regulations and is approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

*J. James Dieter*  
J. James Dieter, Director  
Department of Environmental Protection  
and Resource Management

JJD:NSP:ju

cc: Mr. & Mrs. Hartman

HARTMAN/WQBCA



ZONING OFFICE

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

April 15, 1993

Mr. and Mrs. James Hartman  
7603 Chesapeake Avenue  
Baltimore, Maryland 21219

RE: Petition for Zoning Variance  
7603 Chesapeake Avenue  
Violation case No. C93-691  
Case No. 93-191-A

Dear Mr. and Mrs. Hartman:

This is to acknowledge your recent note and the site plan showing the relocation of certain sheds located on your property at 7603 Chesapeake Avenue. As you recall, my Order, in the above case, required you to submit a revised plan within 30 days.

I have reviewed the revised site plan you submitted and find it acceptable. As shown, the sheds will be located behind that plane created by the front (water) side of Mr. Kohler's house. Thus, they should not be visible from his front door. I would appreciate receiving confirmation from you upon the relocation of those sheds.

Please call me if you have any questions regarding this matter.

Very truly yours,

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm

January 13, 1993

To Whom It May Concern:

Due to serious illness, I will not be able to attend the zoning hearing January 15, 1993. But with this letter and the help of my good friend Randy Sanders, I hope this matter can be resolved. The sheds in question could and should be located across the road on the other lots. Where they are build now they block my much needed light and my view. I cannot set on my porch and look out to my left, all I see is the sheds blocking everything. I cannot set in the front yard and enjoy any of the enjoyments of life because of the two (not one) 10 x 10 x 12 buildings. To better understand this, the lots are small and cannot accommodate such structures and other things. Lot size 136 feet 8, house 30 feet plus back and front porch which is 25 feet. This doesn't leave much space front or back. The left side of my house has turned green with mildew from not getting light or air with the high thick bushes and shrubs.

Louis Kochler

*Louis Kochler*

Case No. C-93-691

Location: 7603 Chesapeake Drive, Side Yard

Inspector: L. Wasilewski  
Baltimore County Zoning Administration

*Seen to before me by Louis Kochler this  
14th day of January, 1993*

*Dennis Michael DeLeon  
notary public  
comm. expires April 1, 1995*

*Dear Mr. Schmidt,*

*These are the revised  
site plan. Please let us know if they are  
approved. We only have  
till May 1st. to move the  
sheds.*

*Thank you.*

*Mr. & Mrs. James Hartman  
7603 Chesapeake Ave.  
Baltimore MD 21219*

*Case No. C-93-691*

*Our phone no. is 477-2613*

*May 6, 1993*



*Mr. & Mrs. James Hartman  
7603 Chesapeake Ave.  
Baltimore MD 21219*

*Petition for Zoning Variance  
7603 Chesapeake Ave.  
Violation Case No. C-93-691  
Case No. 93-191-A*

*Dear Sir:*

*We have relocated the  
sheds on May 2, 1993. We also  
would like to thank you for  
all your help.*

*Thank you.*

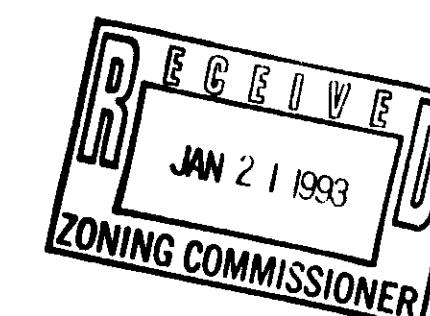
*Mr. & Mrs. James Hartman*

1-18-93

*Zoning Commissioner  
Lawrence E. Schmidt  
Dear Sir:*

*I would like to thank you for  
allowing my friend Mr. Randy  
Sanders to represent me at the  
Jan. 15, hearing. Case no. 93-191-A  
I hope the photographs showed the  
true picture of my complaints.  
If these two sheds are necessary  
I would like to suggest that the  
piles of old lumber on lots  
11 and 12 which they own be  
moved to accommodate the sheds*

*Thank You  
Louis Kochler  
7607 Chesapeake Dr.  
Baltimore Md.  
21219*



**Plat to accompany Petition for Zoning** ☒ **Variance** ☐ **Special Hearing**

PROPERTY ADDRESS: 7403 CHESAPEAKE DRIVE  
 Subdivision name: TRIPLE UNION OWNER  
 plat book 12, folio 23, page 1, section 1  
 OWNER: JAMES AND JOSEPHINE HARTMAN

**93-191-A**

Back River

Chesapeake Ave. (30 ft wide)

Scale of Drawing: 1" = 50'

North

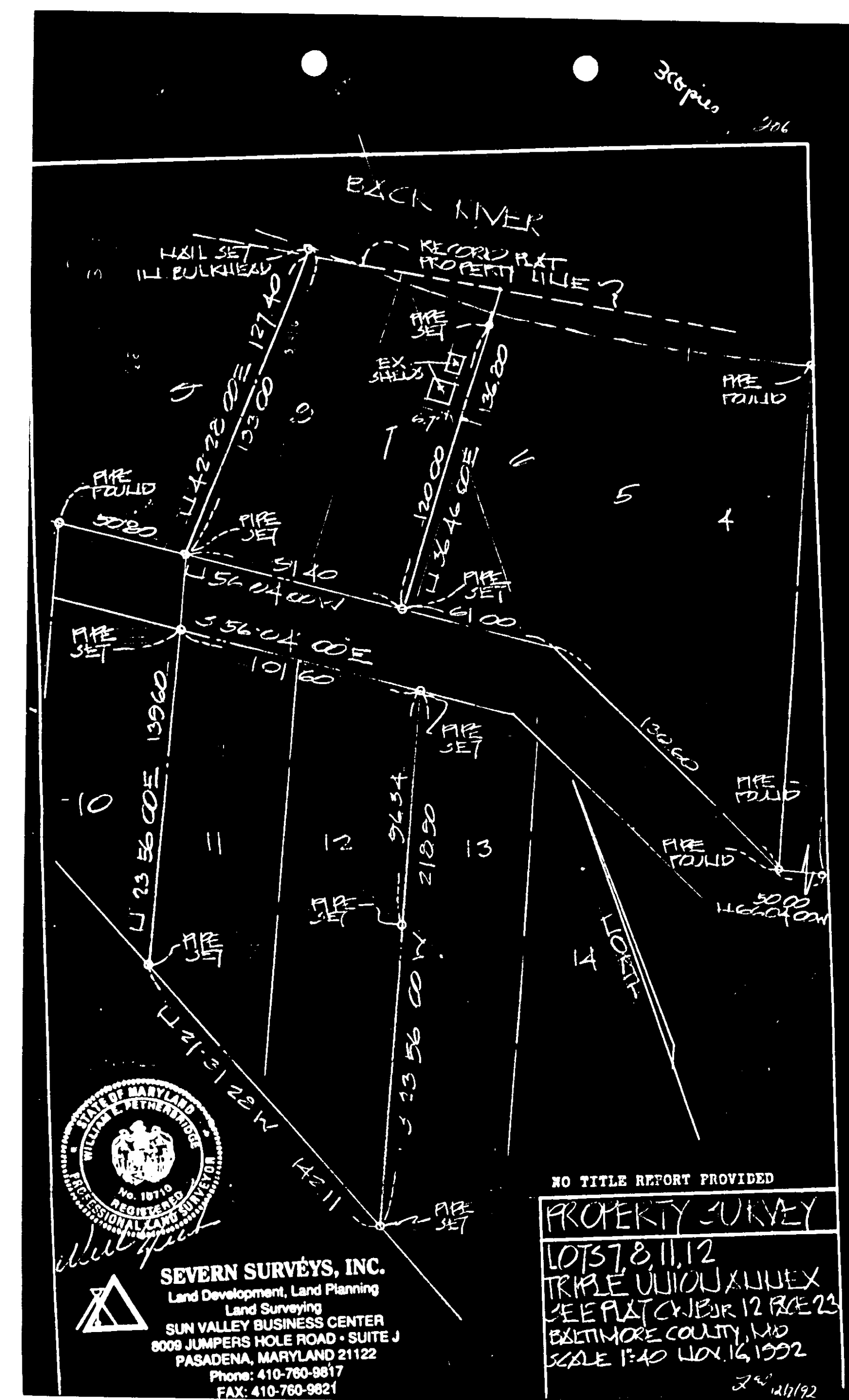
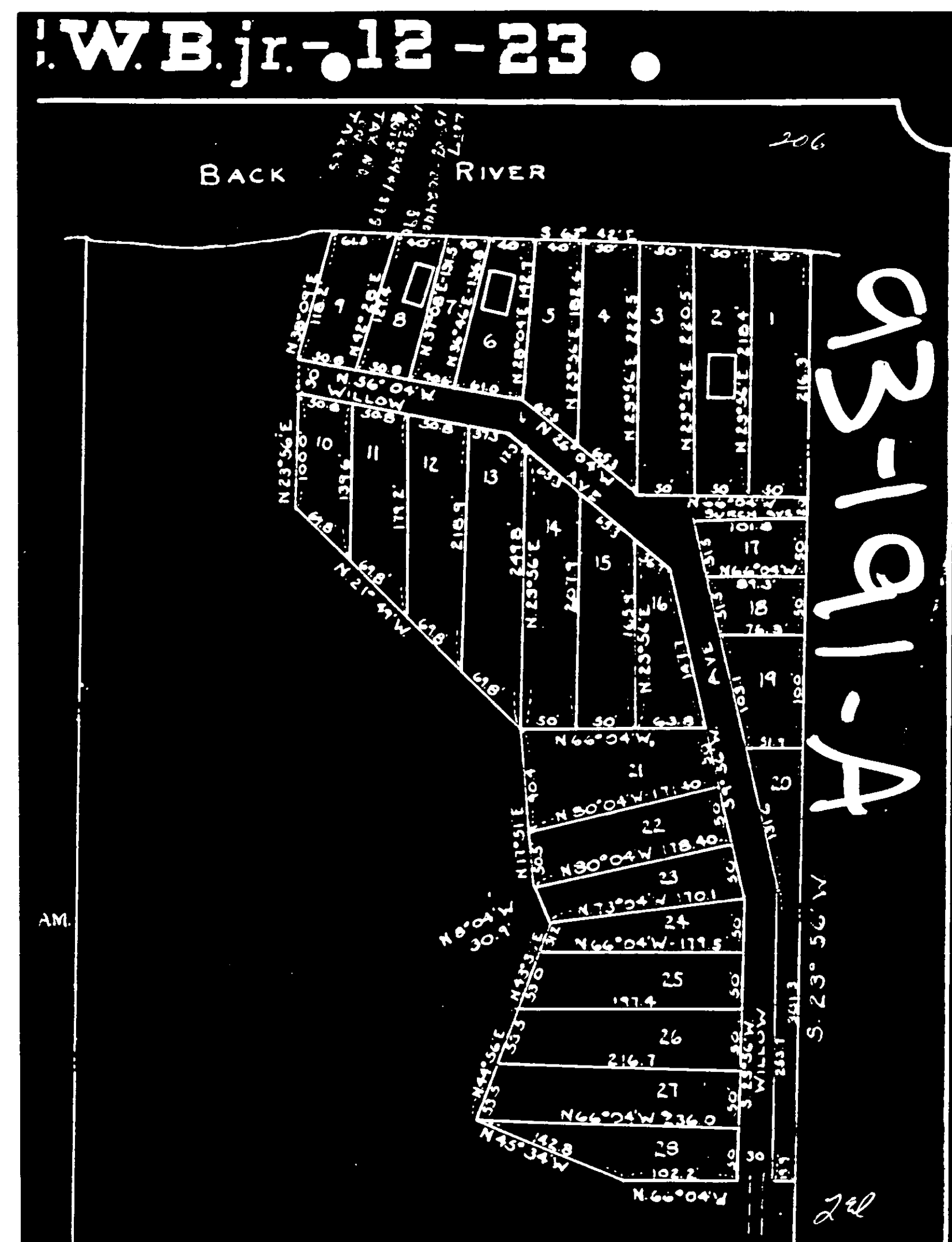
date: 11/25/92  
 prepared by: William Hartman

**LOCATION INFORMATION**

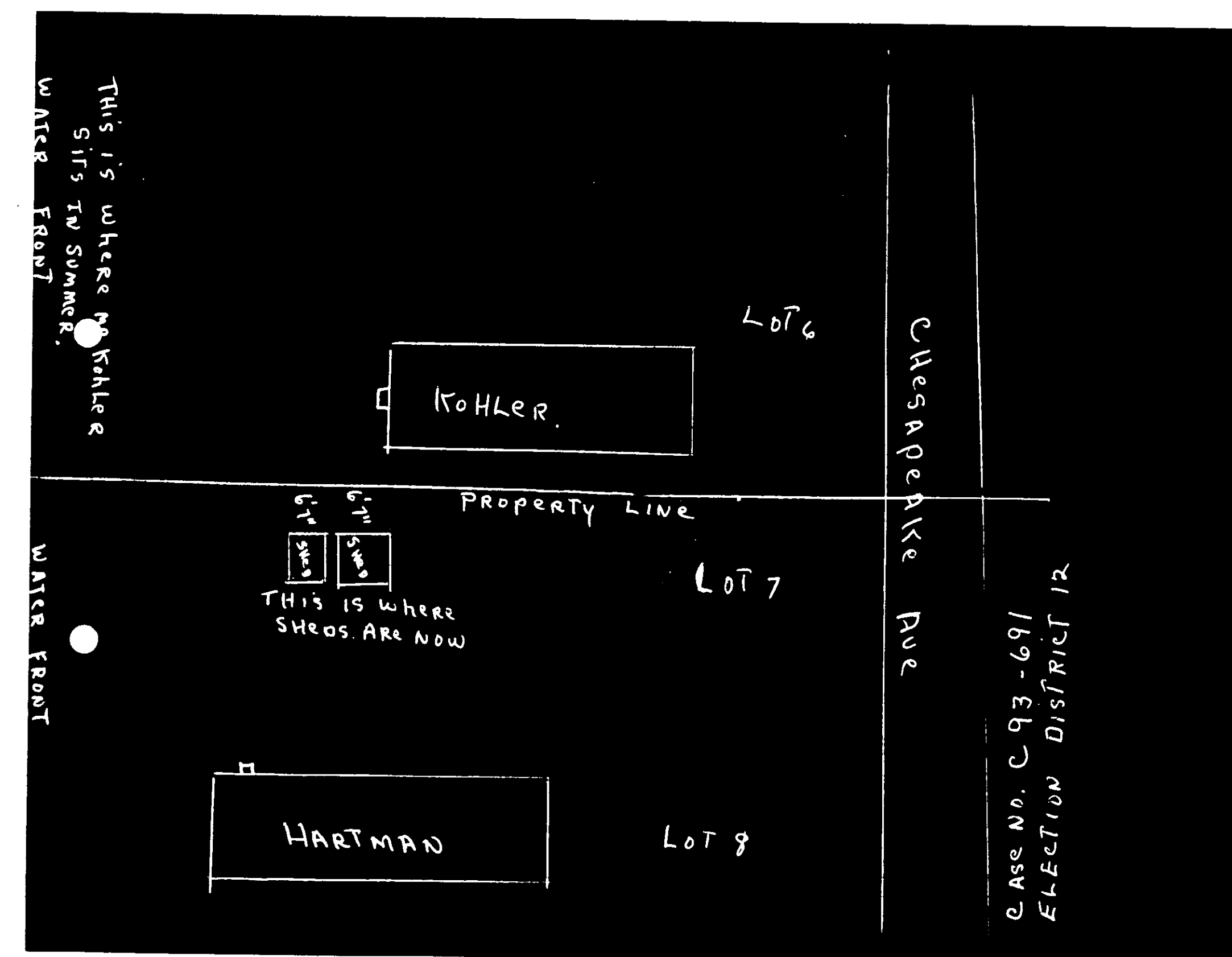
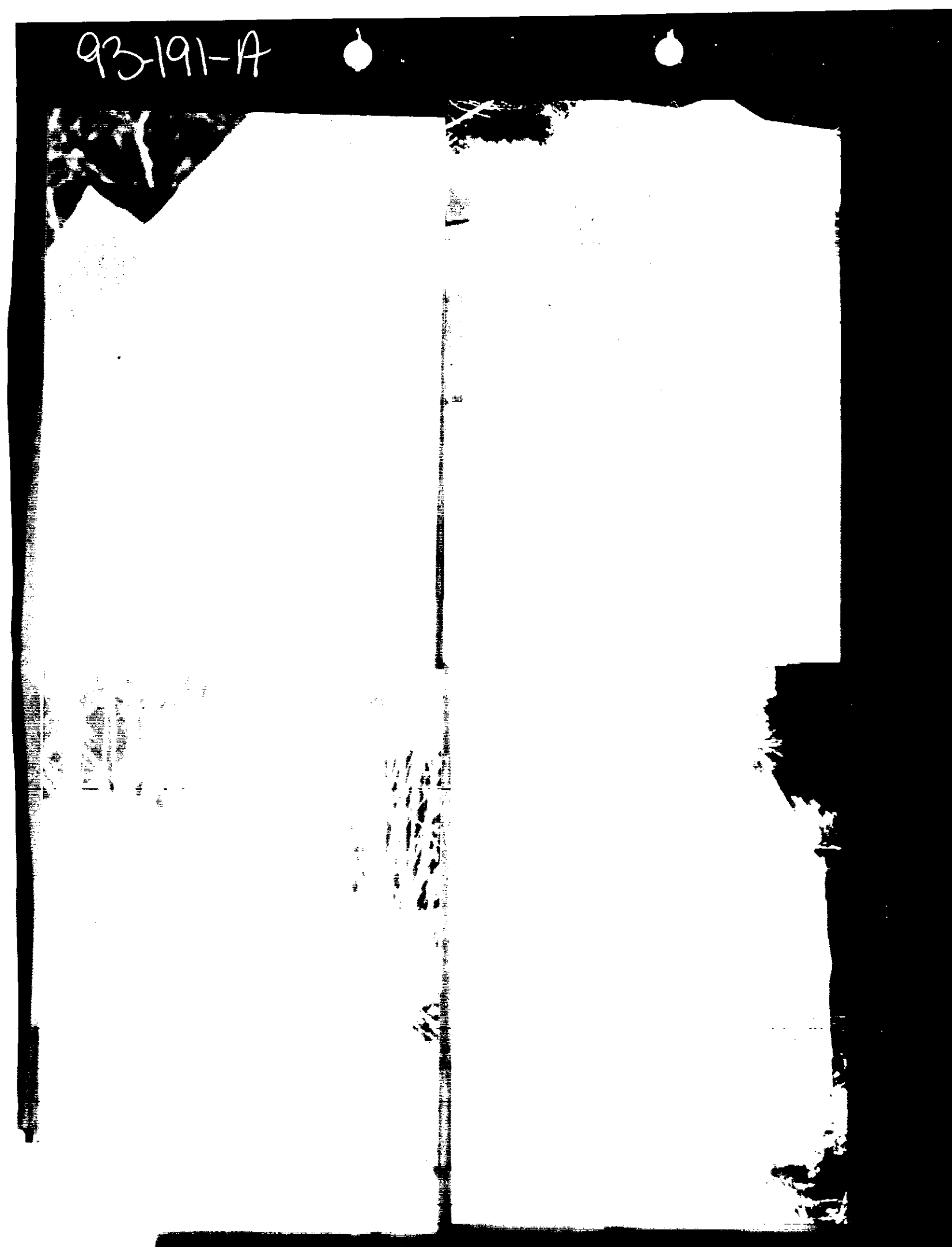
Councilman's District: 7  
 Election District: 12  
 1"=200' scale map: SE 6-X  
 Zoning: D.R. 5.5  
 Lot size: 0.2557 acreage 111,400 sq. ft.

SEWER: ☒  
 WATER: ☒  
 Chesapeake Bay Critical Area: ☒  
 Prior Zoning Hearings: NONE

**Zoning Office USE ONLY!**  
 reviewed by: ITEM #: CASE #:  
 240 206



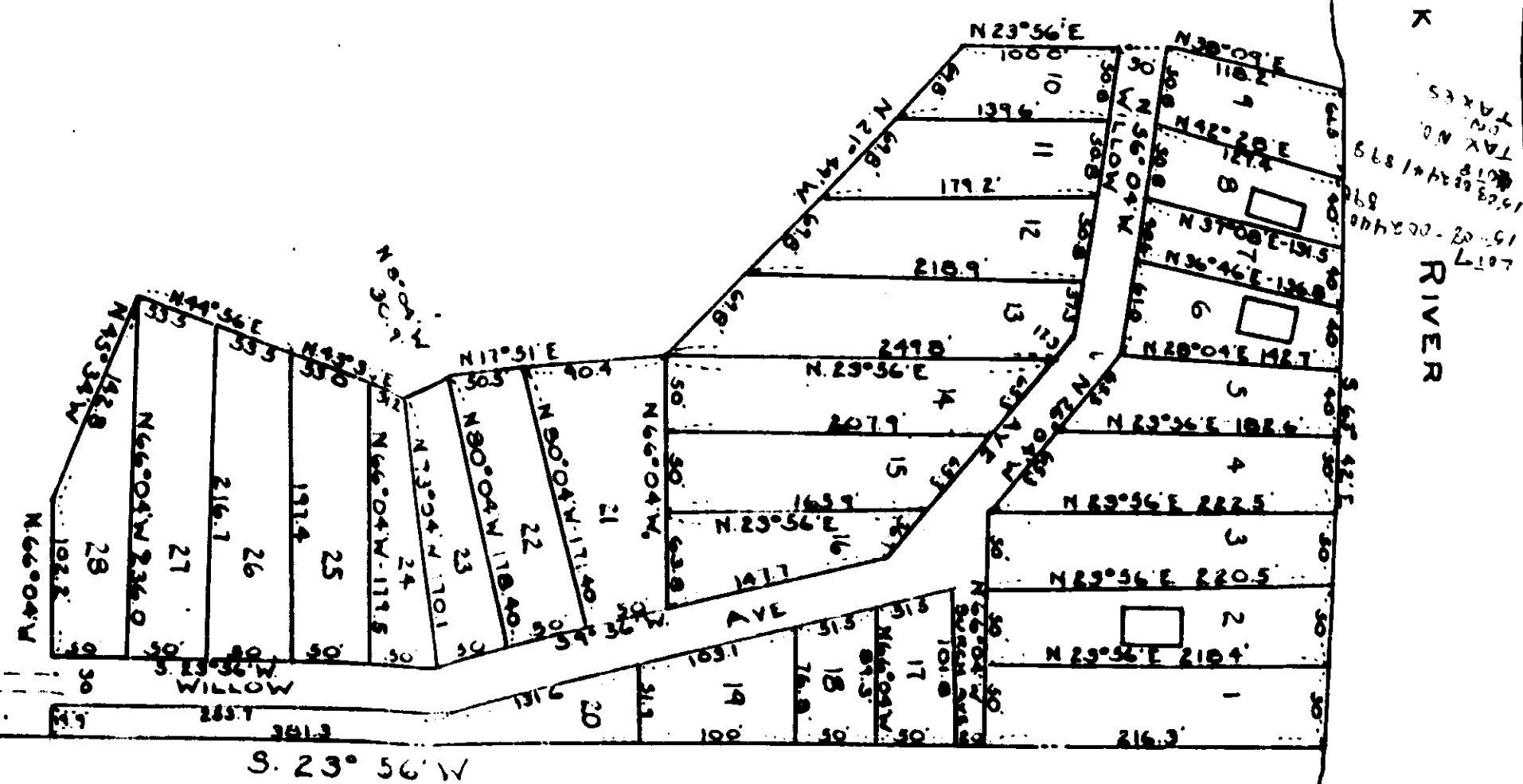
Petitioner's  
 Photograph  
 Case 93-191-A



Protestant.  
Exhibits 2A  
Case 93-191-A



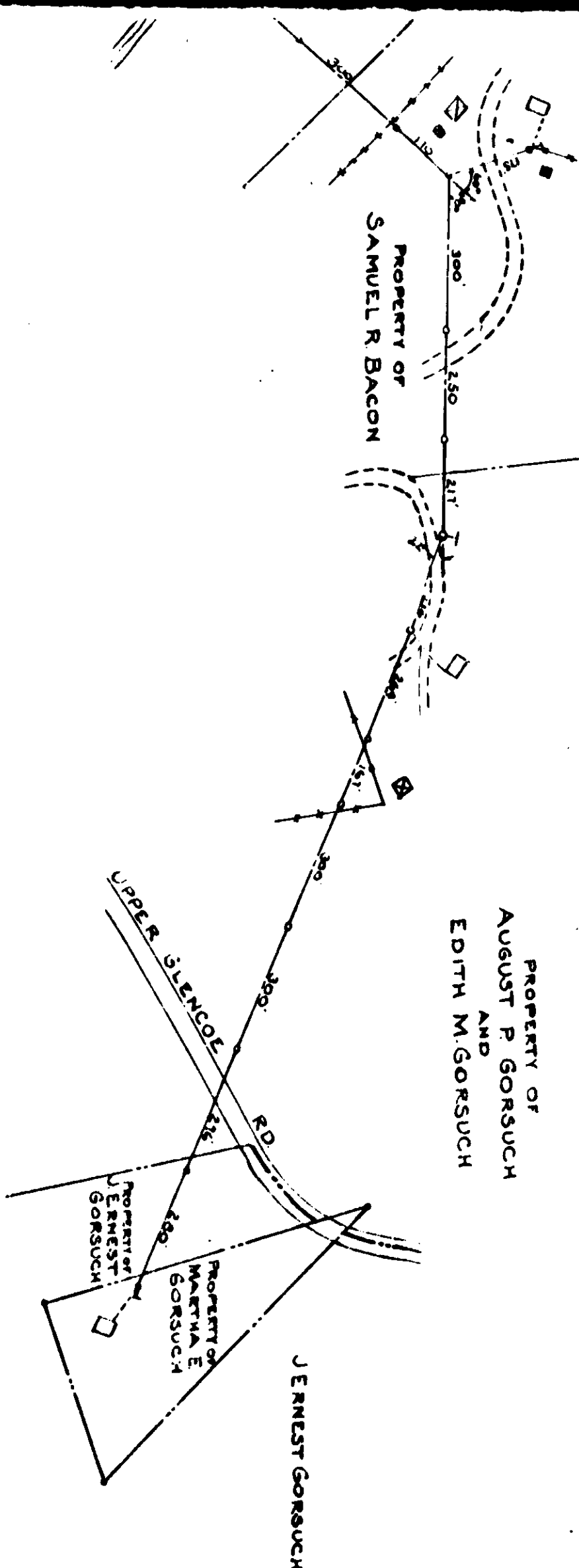
**C.W.B. jr-12-23**



LOT 7 1508-002440-89012.023  
 Boon.P.O.  
 LOT 8-1508002441898 Boon.Fall  
 12023  
 12023

ELM  
"TRIPLE UNION ANNEX  
WATERFRONT"

SCALE 1"=100' JAN 11, 1938  
EYCOONAN & CO  
SURVEYORS & CIVIL ENGRS.  
231 ST. PAUL PLACE  
BALTO. MD.



FILED FOR RECORD WITH AGREEMENT  
FROM WILLIAM GORSUCH ET AL  
TO GAS CO  
DEC 20, 1938 12A AM  
TEST C. W. Henry *by*

--- INDICATES E OF POLE LINE  
o INDICATES APPROXIMATE LOCATION OF POLE  
+ INDICATES ANCHOR GUY

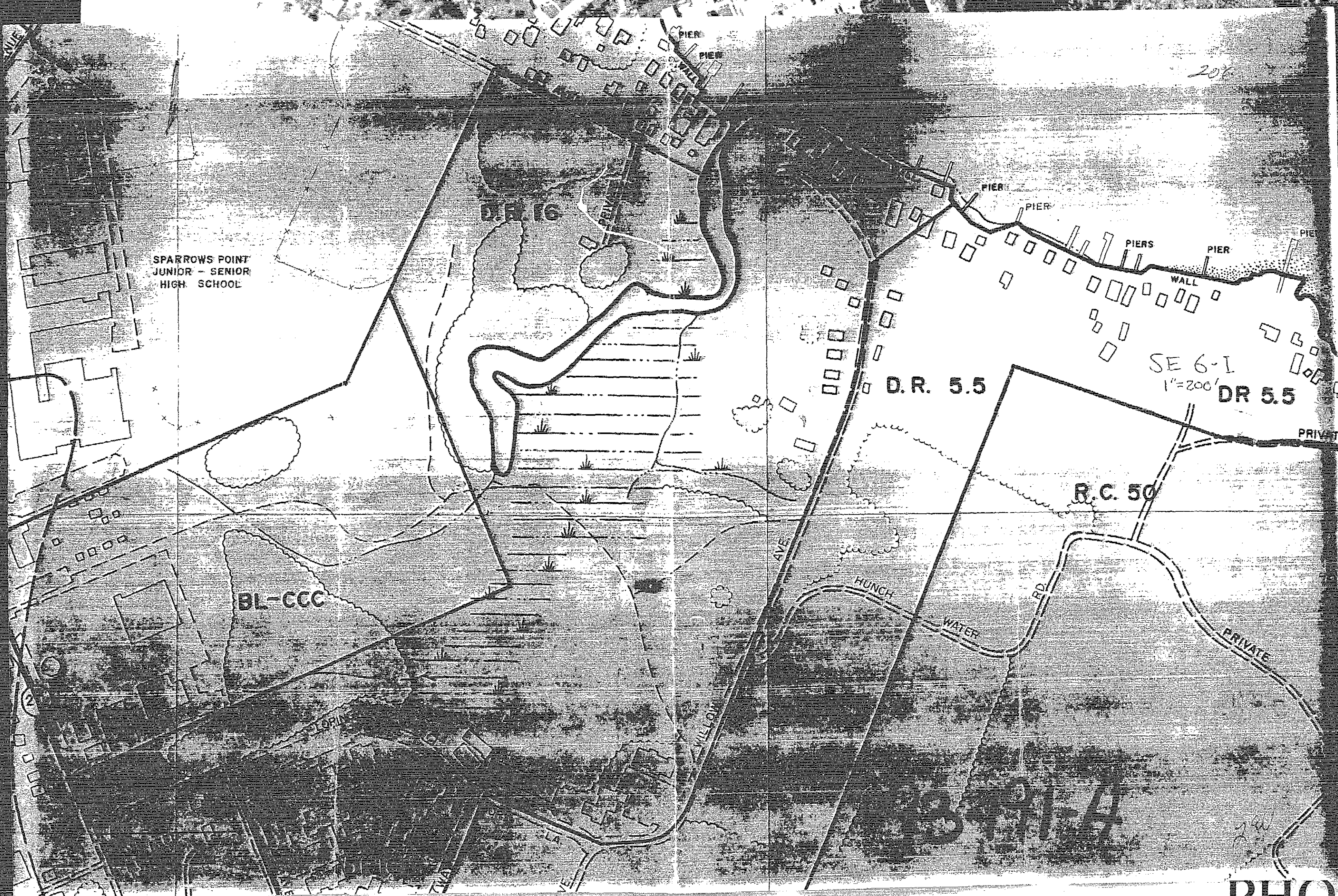
[illegible]

C.W.B. JR. - 12-23

93-191-A

206 232





BALTIMORE COUNTY  
 PLANNING AND ZONING  
 PHOTOGRAPHIC MAP

SCALE  
 1" = 200' ±  
 DATE  
 OF  
 PHOTOGRAPHY  
 JANUARY  
 1986

LOCATION  
 NORTH POINT  
 EDMERE

SHEET  
 S.E.  
 6-1

93-191-A

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